

# SENATE BILL REPORT

## SB 5880

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As Reported By Senate Committee On:  
Land Use & Planning, February 27, 2003

**Title:** An act relating to the integration of shoreline management policies with the growth management act.

**Brief Description:** Modifying shoreline and growth management provisions.

**Sponsors:** Senators Reardon, Mulliken, Haugen, T. Sheldon, Shin, Schmidt, Doumit, Stevens and Hargrove.

**Brief History:**

**Committee Activity:** Land Use & Planning: 2/24/03, 2/27/03 [DP, DNP].

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### SENATE COMMITTEE ON LAND USE & PLANNING

**Majority Report:** Do pass.

Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

**Minority Report:** Do not pass.

Signed by Senator Kline.

**Staff:** Jennifer Arnold (786-7471)

**Background:** In 1995 the Growth Management Act (GMA) was amended to require that the goals and policies of a shoreline master program under the Shoreline Management Act (SMA) must be considered as an element of the local government's comprehensive plan. The other mandatory elements to be included within a comprehensive plan include: land use, housing, a capital facilities plan, utilities, rural areas, transportation, economic development and parks and recreation.

The GMA also sets forth 14 planning goals, although expressly not listed in order of priority within the GMA, to guide the development of comprehensive plans and development regulations: urban growth, sprawl reduction, transportation, housing, economic development, property rights, permits, natural resource industries, open space and recreation, environment, air and water quality, citizen participation and coordination, public facilities and services, and the goals of the SMA.

The Central Puget Sound Growth Management Hearings Board interpreted the goals of the GMA to require that the shoreline management element of a GMA comprehensive plan be given greater weight than the other elements in the comprehensive plan. The board further found that, under the SMA, shoreline preservation, protection, enhancement and restoration, and not development, are primary interests of the state.

There are concerns that the board's findings were flawed and that as a matter of shoreline management policy, the state's interest is broader than solely environmental concerns, and should also include interests such as the development of water-dependent publicly owned facilities. Further, there are additional concerns that the goals and policies of the SMA should not be required to take priority over all of the other goals of the GMA, having the effect of limiting the discretion of local governments to determine the priorities of their particular community.

**Summary of Bill:** The development of water-dependent publicly owned facilities is a public and statewide interest under the SMA and as such must be given the highest preference in shoreline master programs and Department of Ecology guidelines, alongside other statewide interests, including environmental protection and restoration.

The GMA is amended to expressly acknowledge that the goals and policies of the SMA are considered equal to all other stated goals within the GMA. It is further clarified that the development of water-dependent publicly owned facilities is in fact one of the goals of the SMA and as such must be considered in a GMA comprehensive plan on an equal basis with the other goals.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** After the Central Puget Sound Growth Management Hearings Board decision, there is a need to restore the balance of equity and fairness that existed in the SMA and GMA prior to the board's decision. It is paramount that the Legislature quickly address this problem, as many cities are reluctant to submit substantial plan updates and many developers are unwilling to begin new construction until this dispute is resolved. The Legislature should reaffirm that all 14 goals of the GMA should be equally balanced, as this is how the GMA has been implemented over the years prior to the decision. The board failed to recognize that a fundamental pillar of the GMA has traditionally been the development of water-dependent publicly owned facilities. Protection is a goal of the SMA, but it is not the exclusive goal. It was suggested that the bill also should address the overlaying Coastal Management Zone Act policy issues.

**Testimony Against:** The bill goes too far in addressing the issue for two reasons: (1) some parties are reluctant to tamper with the policy of the SMA because it is a very delicate balance of interests and this bill could tip the balance in favor of development, and (2) the bill would leave the SMA in some way subordinate to the GMA because of the loss of state oversight in shoreline issues.

**Testified:** Bruce Wishart, People for Puget Sound (con); Kristen Sawin, AWB (pro); Dave Williams, AWC (pro); Doug Levy, City of Everett (pro); Eric Johnson, Washington Public Ports (pro).